

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

MARION CARNEY, SR.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:07-cv-1053-MEF
)	
LT. JORDAN, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER ON MOTION

On November 30, 2007, Plaintiff Marion Carney, Sr. (Carney), filed a Complaint against two officers in the Houston County Sheriff Department and, potentially, that sheriff's department itself. Carney also filed a Motion to appear *In Forma Pauperis* (Doc. #2), however, that motion was filed unsworn. On February 13, 2008, this matter was referred to the undersigned for action or recommendation on all pretrial matters (Doc. #3). Upon consideration of Carney's motion, and for good cause, it is

ORDERED that the motion (Doc. #2) is GRANTED. Nevertheless, Carney shall file an Amended Motion to Appear *In Forma Pauperis*, using the attached application and affidavit to proceed *in forma pauperis* **on or before March 7, 2008**. The undersigned will reevaluate Carney's ability to appear *in forma pauperis* at that time. The Court ***warns Carney that his failure to submit the application to appear in forma pauperis may lead the undersigned to recommend of the dismissal of his Complaint*** for failure to

comply with the Court's Order or to an order directing Carney to prepay in full the filing fee (\$350.00) prior to service of process. It is further

ORDERED that the Clerk of Court shall mail with this Order an application and affidavit to proceed *in forma pauperis*.

The Court also notes Carney's Complaint suffers from fatal defects. Specifically, it is unclear whether Carney intends to name the Houston County Sheriff Department as a Defendant and, if so, what claim(s) he asserts against the department. It also is unclear in which capacity Carney brings suit against Lt. Jordan and Sgt. Ivey. Thus, it is further

ORDERED that on or before **March 7, 2008**, Carney shall file an Amended Complaint. The Amended Complaint shall state the wrongful act committed by each Defendant, including the date and place of the wrongdoing, the federal statute or constitutional provision that was violated by each act of wrongdoing, and the specific injury or damage to Carney as a result of each act of wrongdoing. The "injury" or "damage" should be stated in terms of the consequences of Carney and the cost or value of damage. Carney shall also clarify with documentation (including case number, indictment or information, etc.) if he faces any pending criminal charges arising out of the arrest discussed in his Complaint or if any outstanding warrants remain against him. Carney shall also explain to the Court the following sentence: "my ex-wife was violating an order of protection that she had placed on me." Compl. (Doc. #1) at unnumbered page 4. Carney specifically shall explain what this order is and how this order of protection

came into effect. *The Court advises Carney that his failure to comply with this Order will lead the undersigned to recommend to the district judge that the Complaint be dismissed for failure to comply with this Court's Orders and abandonment of his claim(s).*

It is further

ORDERED that service of this Complaint is STAYED pending review under 28 U.S.C. § 1915 (2000).

DONE this 15th day of February, 2007.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE